



Officer Report

Application Number:	HGY/2023/2695
Application Type:	Householder planning permission
Address:	15 Onslow Gardens, Hornsey, London, N10 3JT
Proposal:	Formation of new crossover and off street parking to front of property
Case Officer:	Ben Coffie
Valid Date:	09/10/2023
Applicant:	Stone
Agent:	Mrs Hannah Fothergill

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This application is for the formation of a vehicle crossover and off-street parking in front of the dwelling.

The works to the front garden will be constructed with permeable paved stones and will include soft landscaping with new planting area and a new channel drain.

Site and Surroundings

The subject site is a two-storey semi-detached building located on the north of Onslow Gardens. The dwellings have relatively decent size forecourts with a mixture of hard and soft landscaping. There are a number of examples where vehicular crossovers have been built.

The street is not within a CPZ and the site is not within a conservation area nor is it a listed building.

Relevant Planning and Enforcement History

The most recent planning history in relation to the site is as follows.

HGY/2021/3354,

Address: 15, Onslow Gardens, London, N10 3JT

Proposal: Single storey ground floor extension to rear of building. Re-modelling of first floor outrigger pitched roof to match neighbour. Replacement of first floor rear elevation window with new inward opening bi-fold doors and painted metal balustrade.,

Decision Date: 5 January 2022

Decision: Approve with Conditions

HGY/2023/0540,

Address: 13 Onslow Gardens, Hornsey, London, N10 3JT

Proposal: Construction of an outbuilding,

Decision Date: 9 May 2023

Decision: Approve with Conditions

2. CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team: The crossover conforms to the published Haringey Council Vehicles Crossover Guidance. They would need to have a discussion with the Council's Highway department to pay for it to be built.

3. LOCAL REPRESENTATIONS

The application has been publicised by way of a site notice displayed in the vicinity of the site and 18 neighbour notification letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting: 0

Supporting: 0

Commenting: 0

The following local groups/societies made representations:

- THE MUSWELL HILL & FORTIS GREEN ASSOCIATION

This application will not meet the above criteria on the following grounds:

- a. There would be a reduction in both pedestrian and highway safety when vehicles access and/or exit the property.
- b. Although the property is not within a CPZ the creation of a vehicle crossover dedicated to the property would mean the loss of a parking space for the rest of the community in an area suffering from significant levels of parking stress.
- c. No matter what mitigating elements that have been incorporated into the design the creation of the crossover will make a negative visual intrusion on the street scene.

2. Policy DM34 (Driveways and Front Gardens) states that:

" Where planning permission is required, the Council will only permit parking on front gardens where a minimum of 50% of existing soft landscaping area is being retained..."

It would appear from the plans supporting the application that this criterion would not be met if the application were to proceed.

- Crossover group

This application needs to be decided purely on its merits. Similar installations nearby are either unlawful or were approved in earlier times – they are not valid precedents.

The proposal retains only a minimal area of greenspace and would not comply with the council's guidelines given in DM34.

4. MATERIAL PLANNING CONSIDERATIONS

Assessment

In most cases the use of land for the parking of a car does not require permission as it is "permitted development", i.e. in the case where the road in question is an 'unclassified road, as applies here, although given the nature of the site some works (an "engineering operation") is entailed to create the space. Specifically, in the case here there would be no need of cutting into the frontage and installing retaining walls to facilitate the installation of the new crossover. The element of excavation here is small in terms of its impact on the appearance of this site.

The legislation on the subject is section 55(1) of the Town and Country Planning Act 1990 which states that "engineering operations" are development requiring planning permission, supplemented by the definition at section 336 where it is stated that "engineering operations" include "the formation or laying out of the means of access to highways". However, most accesses onto non-classified roads are permitted development by reason of Part 2 Class B of the General Permitted Development Order 1995 (GPDO) if formed in conjunction with another permitted development. In the case the works to the front garden would not result in any significant engineering operation and as such does not require planning permission.

Conclusion

The works as outlined above, taking into account the fall-back of 'permitted development rights' are considered acceptable.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

5. RECOMMENDATION

GRANT PERMISSION subject to the following condition(s):

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

INFORMATIVE: Crossovers

The proposed development requires the construction of a new crossover. The necessary works will be carried out by the Council at the applicant's expense once all the necessary internal site works have been completed. The applicant should telephone 020 8489 1316 to obtain a cost estimate and to arrange for the works to be carried out before the development is occupied.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.